



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

January 14, 2022

Memorandum for: Deputy Commissioner, Trials

Re: **Detective Steve LaFortune**  
Tax Registry No. 928609  
Detective Borough Staten Island  
Disciplinary Case No. 2019-20755

The above named member of the service appeared before Assistant Deputy Commissioner Josh Kleiman on October 12 and 20, 2021 and was charged with the following:

**DISCIPLINARY CASE NO. 2019-20755**

1. Said Detective Steve Lafortune, while off-duty and assigned to the 77th Precinct Detective Squad, on or about July 3, 2019, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Detective Lafortune, during a verbal dispute [REDACTED] waived his firearm at her, causing her to fear for her physical safety.

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –  
PROHIBITED CONDUCT**

NY Penal Law 120.14(1)

**MENACING IN THE SECOND  
DEGREE**

2. Said Detective Steve Lafortune, while off-duty and assigned to the 77th Precinct Detective Squad, on or about July 3, 2019, did fail and neglect to safeguard his firearm, to wit: a 9 MM Beretta, Serial No. [REDACTED].

P.G. 204-08, Page 2, Paragraph 7

**FIREARMS**

In a Memorandum dated December 8, 2021, Assistant Deputy Commissioner Josh Kleiman found Detective LaFortune guilty of all Specifications and not guilty of the remaining specifications, in Disciplinary Case No. 2019-20755. Having read the Memorandum and analyzed the facts of this matter including all the relevant evidence, I approve of the findings and the recommendation that Detective LaFortune be separated from the Department.

I have considered the totality of the circumstances and issues concerning the misconduct for which Detective LaFortune has been found guilty, and deem that separation from the Department is warranted.

Therefore, I direct that an *immediate* post-trial settlement agreement be implemented with Police Officer LaFortune in which he shall forfeit thirty (30) suspension days (already served), forfeit thirty (30) suspension days (to be served), be placed on one (1) year dismissal probation, forfeit all time and leave balances (with the exception of lump sum terminal leave), and immediately file for service retirement.

Such service retirement shall also include Detective LaFortune's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Detective LaFortune does not agree to the terms of this service retirement agreement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY**.



Keechant Sewell  
Police Commissioner



POLICE DEPARTMENT

December 8, 2021

-----X

In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2019-20755
Detective Steve LaFortune	:	
Tax Registry No. 928609	:	
Detective Borough Staten Island	:	

-----X

At: Police Headquarters  
One Police Plaza  
New York, NY 10038

Before: Honorable Josh Kleiman  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Lauren Silverstein, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Marissa Gillespie, Esq.  
Karasyk & Moschella, LLP  
233 Broadway, Suite 2340  
New York, NY 10279

To:

HONORABLE DERMOT F. SHEA  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Detective Steve LaFortune, while off-duty and assigned to the 77 Precinct Detective Squad, on or about July 3, 2019, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Detective LaFortune, during a verbal dispute with [REDACTED] waved his firearm at her, causing her to fear for her physical safety.

P.G. 203-10, Page 1, Paragraph 5  
N.Y. Penal Law 120.14 (1)

PROHIBITED CONDUCT  
MENACING IN THE SECOND DEGREE

2. Said Detective Steve LaFortune, while off-duty and assigned to the 77 Precinct Detective Squad, on or about July 3, 2019, did fail and neglect to safeguard his firearm, to wit: a 9 MM Beretta, Serial No. [REDACTED].<sup>1</sup>

P.G. 204-08, Page 2, Paragraph 7

FIREARMS

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on October 12 and October 20, 2021. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Lieutenant Dane Varriano and Lieutenant Denny Inirio as witnesses. Respondent called Scott Higgins and [REDACTED] as witnesses, and testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find Respondent Guilty, and recommend that Respondent be separated from the New York City Police Department.

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<sup>1</sup> At trial, the Department Advocate clarified that the firearm involved in the July 3, 2019, incident and charged in Specification 1 is the same firearm that he is charged of failing to safeguard in Specification 2. (Tr. 6)

## ANALYSIS

It is undisputed that on July 3, 2019, Respondent engaged in a verbal dispute with his then-[REDACTED]<sup>2</sup> The verbal dispute escalated when Respondent retrieved his service firearm from his bedroom drawer and walked toward [REDACTED] while holding the firearm. When Respondent's [REDACTED] entered the room after hearing his [REDACTED] screaming, Respondent turned the firearm upon himself and pointed it at his head. After his [REDACTED] begged him to stop, Respondent exited the room, went to his bedroom, and called 911 to request a police response. Police and EMS personnel responded to the home and escorted Respondent to the hospital where he was placed under psychiatric evaluation before subsequently being arrested and charged with Menacing in the Second Degree, Menacing in the Third Degree, Endangering the Welfare of a Minor, and Harassment (Tr. 45). On February 10, 2020, all criminal charges were dismissed, after a determination by the Richmond County District Attorney's Office that a recantation by [REDACTED] wherein she stated that Respondent had never directed the firearm at her and had only sought to hurt himself, was credible.

At Respondent's departmental trial, [REDACTED] testified<sup>3</sup> [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<sup>2</sup> [REDACTED]  
[REDACTED] (Tr. 126, 172)

<sup>3</sup> At the start of trial, the Department represented that [REDACTED] had stopped cooperating with the assigned Department investigator, had failed to respond to a voicemail left by DAO, and had not responded to a subpoena sent to her last known address. Based on [REDACTED] unavailability as a Department witness, the Department presented the testimony of Lieutenant Dane Varriano, the case investigator, who had interviewed [REDACTED] on July 3, 2019, and entered into evidence the audio (Dept. Ex. 2A) and corresponding transcript (Dept. Ex. 2B) of the interview. When [REDACTED] appeared as a witness for Respondent, Department exhibits 2A and 2B were revisited. The Tribunal determined that they would remain in evidence to the extent they recorded the content of verbal statements made during the incident since [REDACTED] testified that while she had a firm memory of "what happened that night," her memory of "[w]hat was said that night" had faded (Tr. 156).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On the day of the incident, [REDACTED]

[REDACTED]

[REDACTED] explained that Respondent came to her bedroom and became "so upset" and angry. Their conversation lasted approximately 30 minutes, during which Respondent was "yelling" at [REDACTED]. He told [REDACTED] "You're not getting shit from me. You're not getting alimony. The most you're going to get is child support." They proceeded to argue about Respondent refusing to pay for their [REDACTED] braces and Respondent insisted that [REDACTED] move out of their home's master bedroom to a different bedroom because she was being ungrateful. Respondent also told her that he was going to "fuck [her] up" because he was tired of hearing her talk about him buying pornography. (Tr. 127-28, 144-45, 148-50, 156-57)

When she adamantly told Respondent that she was not going to change her mind about the divorce, Respondent furiously went to his locked bedroom, said, "Well, fuck it," retrieved his service weapon from an unlocked drawer, and returned to her bedroom. Respondent walked towards her with his gun in his hand. [REDACTED] testified that:

[H]e didn't just walk straight into the room with the gun straight down. He walked in the room, and he walked with a waving position. So, he was waving his arm, his hand with his gun in his hand.

(Tr. 161).

[REDACTED] ran into the closet screaming and crying with only a sheet wrapped around her, as she was naked when he entered the bedroom. Respondent opened the closet door, stood in front of her

holding the gun pointed down, and asked her why she was hiding. He was not waving the gun while facing her in the closet; rather, he stood with the gun in his hand next to his side. He never pointed the gun at her or threatened to kill her or her children with his firearm. Nevertheless, [REDACTED] testified that she was afraid for her life at the time, as she thought that Respondent might kill her. She stated, "It was almost like a different person. I was scared. I knew [Respondent] wouldn't do that. I never thought he would do that. So, I thought he's gone mad. He lost his mind." (Tr. 128-32, 152, 158-65)

[REDACTED] begged Respondent to stop: she cried and screamed for him to calm down. Their son, hearing his mother's cries, entered the room, observing Respondent with a gun in his hand. Their son asked Respondent what he was doing and to put the gun away, but Respondent did not respond. Respondent then backed away from the closet, curled into a fetal position onto the floor, crying, and put the gun to his head. Their son told Respondent to put the gun down, and Respondent left the room, traveled back into his bedroom, and closed the door. [REDACTED] stated that she proceeded to leave the house with her children. Shortly, thereafter, the police arrived at the house and escorted Respondent into an ambulance. [REDACTED] testified that she has not communicated with Respondent since the incident on July 3, 2019. (Tr. 169, 171-72, 174)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

At approximately 10:00 p.m. that night, [REDACTED]  
[REDACTED] initiated a conversation between  
herself and Respondent [REDACTED] He went to

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When Respondent realized that his efforts to persuade [REDACTED] not to hire an attorney were futile, he panicked. Respondent testified that he was not himself at a certain point during the conversation and entered into an "emotional and shocked state" that "was like an emotional roller coaster." He was physically shaking. (Tr. 70-71)

Respondent testified that while [REDACTED] was standing in the doorway of her bedroom, observing him from approximately 12 to 15 feet away, he went to his bedroom and retrieved his firearm, intending to end his life. During a 15 to 20 second time period, Respondent then walked toward [REDACTED] with the firearm in his right hand pointed down to the ground. [REDACTED] backed up into her bedroom until her back was against the closet. Respondent was standing in front of her unable to speak. (Tr. 71-76)

Respondent's [REDACTED] then entered the room, which caused Respondent to turn towards his son and then ask himself, "Whoa, what the hell are you doing?" Respondent then



stepped back away from [REDACTED] and his son, dropped to his knees, and pointed the firearm at his head while saying, "I'm going to end this." [REDACTED] and his son were telling him to put the gun down and to stop. Respondent testified, "Then I felt bad. I didn't want to do it in front of him. With her, yeah, I was prepared to do that in front of her, not him, not him." Respondent proceeded to get up from his knees, walk to his room, and close the door. He was sitting on his knees on the bed with the firearm pointed to his head when he realized that he needed to call 911 and get help. He called 911 approximately one minute after leaving [REDACTED] bedroom.<sup>4</sup> (Tr. 76-79, 101-02, 104-05, 111, 114)

After the 911 call ended, Respondent placed his firearm in the dresser drawer with his identification card, left the room, and waited for police response. When the police arrived, [REDACTED] and their children were waiting in a car outside of their home. After he told EMS personnel that he had contemplated suicide, Respondent was transported to the hospital. He stayed in the psychiatric ward at the hospital for two days before he was released into NYPD custody and arrested for menacing. Respondent's criminal case was eventually dismissed and the Temporary Order of Protection was vacated. (Tr. 80-83, 107)

After the incident, Respondent was suspended for one month, during which he lived with his grandmother. After his suspension, Respondent was evaluated by the NYPD Psychological Unit and recommended for counseling. As of the date of his hearing, Respondent had been seeing a psychiatrist for approximately one year and was also being monitored by the NYPD Psychological Unit. At trial, Respondent testified that he no longer has suicidal thoughts. (Tr. 83-85)

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<sup>4</sup> During the 911 call, Respondent is heard sobbing, provides his address, and requests police; however, when the 911 operator asks Respondent, "What is going on?", the call is disconnected. (Dept. Ex. 1A)

Respondent testified that he never told [REDACTED] that he was "going to fuck her up." He denied waving the gun at [REDACTED] and stated that he did not point the gun in her direction. The only time the gun moved from its downward position was when he pointed the gun to his own temple. He testified that he never threatened her or intended to cause her, or his children, fear. (Tr. 79-80, 83, 97, 108-09)

Respondent explained that [REDACTED] Since the incident, he has not reached out to, or verbally communicated with her. [REDACTED] will contact Respondent via text message or send a message through a third party when she needs something related to their children. The only time he initiated contact with [REDACTED] was via a text message to their son, asking him to inform his mom of the upcoming trial where the Department is seeking to terminate his employment. Respondent's son told him that [REDACTED] was willing to testify at trial on his behalf. (Tr. 85-86, 112-13)

Mr. Scott Higgins, an attorney in the Department's Criminal Unit, testified on Respondent's behalf that, in the fall of 2019, he was working as an Assistant District Attorney at the [REDACTED] County District Attorney's Office in the Integrated Domestic Violence Section. During that time, he was assigned Respondent's case regarding the July 3, 2019, incident. Mr. Higgins testified that he reviewed the complaint reports, investigative paperwork, 911 calls, and Body-Worn Camera footage. [REDACTED] was not cooperative, but in January 2020 she appeared for an interview. [REDACTED] told him that Respondent did not use the firearm on her or menace her with the firearm. She further stated that she did not want to proceed with criminal charges against Respondent. When asked why, she explained to him that they had been going through a divorce, they were both taking it "pretty hard," and she wanted Respondent to get help. Mr. Higgins stated, "The reason why I did not further prosecute the case [was] I truly believed [REDACTED] after speaking to her on that day that she had come in." The following statement of the [REDACTED]

County District Attorney's Office was read into the record of the [REDACTED] County Supreme Court, Criminal Term, prior to the charges being dismissed:

On January 11, 2020, the undersigned did speak with [REDACTED] and [REDACTED] stated to the District Attorney's Office that the defendant did not threaten to shoot her. [REDACTED] stated that the incident did not happen as described in the domestic incident report. The defendant was irate and had a firearm and only threatened to shoot himself. At no point did the defendant wave or menace [REDACTED] at any point with said firearm.

(Resp. Ex. A). Mr. Higgins noted, however, that during his interview of [REDACTED] she refused to provide him with her current address, stating that she was afraid of Respondent discovering where she lived. (Tr. 31-38, 41, 44-47)

Specification 1 charges Respondent with waving a firearm during a verbal argument with [REDACTED] causing her to fear for her physical safety. Respondent admitted that he left his [REDACTED] bedroom during an argument, traveled to his bedroom to retrieve his firearm, returned to his [REDACTED] bedroom holding his firearm, and approached her. [REDACTED] credibly testified that these actions caused her to fear for her life. [REDACTED] further credibly testified, as corroborated by consistent statements she made to Department investigators the night of the incident (Tr. 161), that Respondent had waved his firearm upon entering the bedroom. Accordingly, the Tribunal finds that the Department has proved Specification 1 by a preponderance of the credible evidence.

Specification 2 charges Respondent with failing to properly safeguard his service firearm. Preliminarily, the Tribunal notes that a display of a firearm for a non-police purpose during an off-duty verbal dispute, as charged in Specification 1, is inherently a violation of the Department's guidelines concerning firearm safety. It was further established in the record that Respondent stored his firearm inside an unlocked drawer in his bedroom. Prior Department precedent has established that storing a firearm in an unlocked drawer fails to properly safeguard

the firearm (*Disciplinary Case No. 2016-15745* [May 22, 2017]; *Disciplinary Case No. 2013-9339* [Sept. 16, 2013]). Accordingly, Respondent is further found Guilty of Specification 2.

## PENALTY

In order to determine an appropriate penalty, the Tribunal, guided by the Department Disciplinary System Penalty Guidelines ("Disciplinary Guidelines"), considered all relevant facts and circumstances, including any aggravating and mitigating factors established in the record. Respondent's employment record was also examined (*see* 38 RCNY § 15-07). Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on July 2, 2001, has no prior disciplinary history. The Department Advocate has recommended that Respondent be terminated.

Under the Disciplinary Guidelines, the presumptive penalty for an act of domestic violence involving a "Menacing with a Firearm" carries a presumptive penalty of termination, and a mitigated penalty of forced separation. Although the use of the word *menacing* under the Disciplinary Guidelines is not defined as criminal menacing, the Tribunal finds the elements of the Penal Law crime of Menacing in the Third Degree to be useful in analyzing whether a menacing has been established for the purposes of the Disciplinary Guidelines.

The elements of the Penal Law crime of Menacing in the Third Degree (§ 120.15) are that: (1) by physical menace, (2) the perpetrator intentionally placed or attempted to place the victim in fear of death, imminent serious physical injury or physical injury. Proof of "fear of 'imminent serious physical injury' by the victim is required in order to exclude frivolous cases which might arise under a lesser standard" (Law Revision Commission Notes following Penal

Law § 120.15 [emphasis added]). Furthermore, an essential element of the crime is "a physical act, which in and of itself placed another person in fear of imminent [] injury;" "more than mere offensive statements or verbal threats" is required. (*People v. Martini*, 36 Misc 3d 729, 733 [Crim Ct. Queens County 2012]; *People v. Stephens*, 100 Misc 2d 267, 268 [Nassau Dist Ct 1979]).

Here, a "Menacing with a Firearm" has been established by a preponderance of the credible evidence. Respondent intentionally retrieved his firearm during a dispute with his [REDACTED] and engaged in a "physical menace" by approaching her while holding and waving the firearm. This act would cause a reasonable person under similar circumstances to fear for their life. [REDACTED] credibly testified to experiencing such fear. The Tribunal further notes that the presence of a child during this incident presents a further aggravating factor.

[REDACTED]  
[REDACTED]. [REDACTED] credibly testified that she had never seen Respondent engage in behavior like this before and she believed that he had "gone mad" (Tr. 160-61).

[REDACTED] Additionally, as Respondent is trained, he self-reported, contacting 911.


The Department has gone to extraordinary lengths to address the mental health needs of its members. Whether by way of posters displayed at every command, trainings, links and apps made available on Department computers and smartphones, or through the daily words of support of fellow officers, members of the Department are reminded each day of the numerous ways in which the Department assists members experiencing emotional distress, suicidal thoughts, depression, grief, and/or bereavement. Respondent testified that when he had placed his firearm to his head "something [] told me to call 911 and get help. Get help!"

The Disciplinary Guidelines permit, under the domestic violence category of "Menacing with a Firearm," a mitigated penalty of Forced Separation. The penalty of Forced Separation is equivalent to Termination in that the officer is removed from their employment with the Department; it is less severe than Termination, however, in that the officer's employment file does not record a final disposition of Termination. The Tribunal finds that this mitigated penalty to be a more appropriate where, as here, there is evidence that an officer has suffered a mental health crisis, which they voluntarily reported, and, for which they, thereafter, sought and received treatment. Such behavior following a mental health crisis should be encouraged. The Tribunal further notes that Respondent has served this Department for over 20 years with no prior discipline and a positive record.

Accordingly, the Tribunal finds the mitigated penalty of Forced Separation to be more appropriate. Importantly, however, the Tribunal recommends that any Forced Separation agreement specify that Respondent is not to receive an ID from the Department that would permit him to carry a concealed firearm. *See* 18 U.S.C. § 926C.

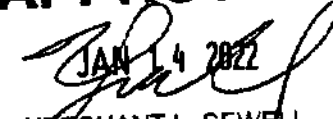
For the foregoing reasons, the Tribunal recommends that Respondent be separated from the New York City Police Department.

Respectfully submitted,



Josh Kleiman  
Assistant Deputy Commissioner Trials

**APPROVED**



JAN 14 2022  
KEECHANT L. SEWELL  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD  
DETECTIVE STEVE LAFORTUNE  
TAX REGISTRY NO. 928609  
DISCIPLINARY CASE NO. 2019-20755

Respondent was appointed to the Department on July 2, 2001. On his last three performance evaluations, he received 4.5 overall ratings of “Extremely Competent/Highly Competent” in 2015, 2016, and 2018. Respondent has been awarded one medal for Excellent Police Duty and one medal for Meritorious Police Duty.

Respondent has no disciplinary history. He was placed on Level 1 Force Monitoring in 2004 due to negative performance and behavior. Respondent was subsequently placed on Level 1 Force Monitoring from March 16, 2011, to February 7, 2014, for receiving three or more CCRB complaints in one year.

In connection with the instant matter, Respondent was suspended from July 3, 2019, to August 1, 2019, and thereafter placed on modified assignment. He was also placed on Level 2 Discipline Monitoring on September 10, 2019. Both the monitoring and modified status remain ongoing.

For your consideration.

Josh Kleiman  
Assistant Deputy Commissioner Trials